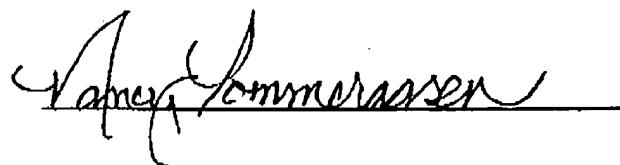


This amendment after final and one month extension of time are being faxed to the after final fax number of 1-703-872-9307 on December 4, 2003 by Nancy Tommerraasen

A handwritten signature in black ink, appearing to read "Nancy Tommerraasen", is written over a horizontal line.

1. (Currently Amended) A method of producing transgenic plant progeny as seeds and optionally as plants which shows herbicide resistance, to a herbicide comprising glyphosate, said method comprising:

- (i) applying said herbicide to at least a portion of a population of progenitor plants, at least some of said progenitor plants being heterozygous (Rr), wherein the R is the herbicide resistant gene and the r is not evidencing the herbicide resistant gene resistant, such herbicide application being at at least after the V5 stage which is an advanced vegetative state before flowering; wherein the applied herbicide effectively eliminates the fertilization ability of the male gametes inhibits pollen production which do does not carry the herbicide resistant gene (R), whereby the resultant male gametes which are capable of fertilizing female plant parts pollen is are preferentially carrying the herbicide resistant gene (R); such that resultant pollen from said plants fertilize the female plants which are selected from a group consisting of plants which are: homozygous (RR), heterozygous (Rr) for the Glyphosate resistance gene wherein the plant is resistant to the herbicide, susceptible to the herbicide (rr), and a mixture of two or more of these (RR), (Rr), (rr) types of plants;
- (ii) obtaining preferentially herbicide resistant transgenic plant progeny from said plant population wherein the plant progeny is are carrying the herbicide resistance gene (RR) or (Rr) therefrom as seeds and optionally as plants.

2. (Previously presented) The method according to claim 1 wherein the herbicide resistant plants are glyphosate resistant, and the herbicide applied in step (i) is glyphosate.

3. (Previously presented) The method according to claim 1 wherein the plants comprise crop plants.
4. (Previously presented) The method according to claim 3 wherein the crop plants comprise corn.
5. (Previously presented) The method according to claim 4 wherein in step (i), the herbicide is applied at the V5 stage of growth or later.
6. (Previously presented) The method according to claim 1 wherein the progeny comprise herbicide resistant hybrid seed.
7. (Previously presented) The method according to claim 1 wherein the plants contain a further desired transgene.
8. (Previously presented) The method according to claim 7 wherein the further transgene is a gene which encodes a quality trait which is deliverable by a pollinator.
9. (Previously presented) The method according to claim 8 wherein the quality trait comprises a high oil system.
10. (Previously presented) The method according to claim 7 wherein the transgene is a fertility/sterility controlling gene.
11. (Previously presented) The method according to claim 10 wherein said fertility/sterility controlling gene is a male sterility gene.

21. (Previously presented) The method according to claim 1 wherein said progeny comprise seed.

22. (Previously presented) The method according to claim 1 wherein said progeny comprise inbred seed.

23. (Previously presented) The method according to claim 2 wherein said progeny comprise glyphosate resistant hybrid seed.

24(new) A method of producing transgenic hybrid plant progeny as seeds and optionally as plants which shows herbicide resistance, to a herbicide comprising glyphosate, said method comprising:

- (i) applying said herbicide to at least a portion of a population of progenitor plants, at least some of said progenitor plants being heterozygous (Rr), wherein the R is the herbicide resistant gene and the r is not evidencing the herbicide resistant gene, such herbicide application being applied at an advanced vegetative state before flowering; wherein the applied herbicide effectively eliminates the fertilization ability of the male gametes which do not carry the herbicide resistant gene (R), whereby the resultant male gametes which are capable of fertilizing female plants are preferentially carrying the herbicide resistant gene (R); such that resultant pollen from said plants fertilize inbred female plants which are selected from a group essentially consisting of inbred female plants which are: homozygous (RR), heterozygous (Rr) for the Glyphosate resistant gene;
- (ii) obtaining preferentially herbicide resistant transgenic hybrid plant progeny from said inbred female plants wherein the plant progeny, as seeds and optionally as plants, are carrying the herbicide resistance gene (RR) or (Rr) therefrom.